

Decision Record/Finding of No Significant Impact

BLM Environmental Assessment Number NV-020-06-EA-22

Kramer Hill Quartzite Quarry

BLM Case File NVN-80629

James Hardie Building Products, Inc.

T. 35 N., R. 40 E., Section 8, W1/2, MDB&M

Background

A preliminary public scoping for the Kramer Hill Quarry proposal was sent out for a 30 day review on September 1, 2005. One public comment letter was received. This pertained to selling private land to the Company. On September 29, 2005 the Battle Mountain Band visited the proposed site and had several concerns. One comment pertained to the final seed reclamation mix in which a non-native species, particularly forage kochia, was used. The other concern addressed possible negative effects to air quality.

The Kramer Hill Quartzite Quarry environmental assessment (EA) analyzing the impacts of the proposed expansion of what is currently a five-acre, mineral-materials-sale operation, was announced as a news release on October 3, 2006. Further, it was stated that the EA was available for review online, or in hardcopy at the BLM Winnemucca Field Office for a 30 day public review and comment period. One comment letter was received from the public.

The Winnemucca Bureau of Land Management Field Office (WFO) has taken into consideration each of the comments in the preparation of the Decision Record/Finding of No Significant Impact (FONSI).

Decision

The WFO has reviewed the proposed exploration plan of operations for the Kramer Hill Quartzite Quarry submitted by James Hardie Building Products, Inc. (Hardie) and has prepared EA, NV-020-06-EA-22 for the proposal. This EA is attached and is a part of this decision. It is the decision of the authorized officer to allow Hardie to proceed with the proposed action to purchase up to 200,000 cubic yards of material for a period of up to five years, whichever limit would be reached first. This approval is subject to the stipulations included herein.

Rational

The proposed action is in conformance with and is consistent with the Sonoma-Gerlach Management Framework Plan.

Based on the environmental analysis, the proposed action will not result in any undue or unnecessary environmental degradation of public lands. The proposal is consistent with federal, state and local laws, regulations and requirements imposed for the protection of the environment.

The stipulations and mitigation measures defined in this decision and environmental protection measures described in the proposed action will mitigate impacts to the human environment and have been developed giving consideration to public comments.

The proposed action would not impact any threatened or endangered species or significant scientific, cultural, or historical resources.

Based on the President's National Energy Policy and Executive Order 13212, the proposed action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse Energy Impact" is required.

Stipulations

1. Permittee will provide an annual, pre- and post-survey by a certified surveyor for determining pit dimensions and quantity of material removed.
2. Haulage contractor shall provide weight tickets to BLM to verify production
3. All equipment and machinery shall be equipped with spark arrestors and mufflers.
4. Permittee is responsible for all suppression costs for any fire resulting from their operations and practices.
5. Permittee is responsible for disposing of all debris in accordance with state and federal regulations.
6. Pursuant 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as Pursuant 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.20). defined at 43 CFR 10.20). Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
7. When previously undiscovered antiquities or other objects of historic or scientific interest including but not limited to historic or prehistoric ruins, vertebrate fossils or artifacts are discovered in the performance of this permit, the item(s) or condition(s) will be left intact and immediately brought to the attention of the authorized officer of the BLM.
8. No toxic materials or fluids shall be disposed of at the material site.
9. Removal shall be confined to the area described in the contract
10. All blasting activities shall be conducted by certified blasting personnel in accordance with all state and federal regulations

11. Blasting shall be restricted to daylight hours (8:00 AM to 5:00 PM)
12. Reclamation of the pit and the proposed road, on the west side of Kramer Hill, shall follow the reclamation plan as submitted.
13. Follow the BLM recommended seed mix, as shown in Appendix D.
14. Roads
 - a. Temporary roads must meet the minimum standard width of 14 feet running surface, have drainage structures where applicable and be constructed at no more than a 15% gradient (BLM Manual, Section 9113).
 - b. During and at commencement of this test project, road maintenance shall be performed on Road 2079, a BLM system road, which will be the primary haul route (Pole Creek East).
 - c. Roads constructed in support of resource development and not identified for retention by BLM management shall be reclaimed to BLM standards.

15. Migratory Bird Stipulation

In order to avoid potential impacts to breeding migratory birds, a nest survey shall be conducted by a qualified biologist (qualification determination to be made by the authorized officer) within potential breeding habitat prior to any surface disturbance proposed during the avian breeding season (April 15 to July 15). If a nest(s) is located, a protective buffer (the size depending on the habitat requirements of the species) should be delineated in consultation with the authorized officer. The buffer area shall be avoided to prevent destruction or disturbance to the nest(s) until it is no longer active. The site characteristics used to determine the size of the buffer are; a) topographic screening; b) distance from disturbance to nest; c) the size and quality of foraging habitat surrounding the nest; d) sensitivity of the species to nest disturbances; and e) the protection status of the species.

FINDING OF NO SIGNIFICANT IMPACT FOR James Hardie Building Products, Inc. Kramer Hill Quartzite Quarry

I have reviewed Environmental Assessment (EA) NV-020-06-EA-22, dated October 2006. After consideration of the environmental effects as described in the EA, and review of the associated mining plan of operations for the Kramer Hill Quartzite Project, I have determined that the proposed action identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

I have determined the proposed action is in conformance with the approved Sonoma-

Gerlach Management Framework Plan and is consistent with the plans and policies of neighboring local, county, state, tribal and federal agencies and governments.

This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context: James Hardie proposes to purchase and mine up to 200,000 cubic yards of quartzite rock for a period of up to five years on the south trending ridge descending from the summit of Kramer Hill. This expansion project is located approximately 1.5 miles south of the town of Golconda in Humboldt County, Nevada, specifically in T. 35 N., R. 40 E., Section 8, W1/2. Hardie had operated a small-scale quarry, less than 5 acres of disturbance, under a categorically excluded Mineral Material sales contract from BLM. The purpose of the expansion would be to provide a continuous supply of high-grade silica to the James Hardie plant in McCarran, Nevada for manufacturing fiber cement building products for up to 20 years and a projected 4,000,000 tons of material. A quarrying operation would mine the rock and it would be trucked off the hill to a selected stockpile area and crushed with a portable crusher. The crushed material would then be trucked to the plant in McCarran. Approximately 53.3 acres of disturbance are proposed.

Intensity:

1) Impacts that may be both beneficial and adverse.

The environmental assessment has considered both beneficial and adverse impacts of the project.

Fugitive dust would result during construction, mining, crushing, and transporting the rock. Dust suppression measures are included in the proposed action. Impact would be considered low.

Disturbance of ground could facilitate the establishment of invasive, non-native and noxious weeds. The impact would be considered low. A weed management plan is included in the proposed action.

Impacts to migratory birds would be considered low with implementation of environmental protection measures and mitigation measures described herein.

There would be some fragmentation and reduction of available wildlife habitat as a result of removal of vegetation and mining activity. There were no Special-Status species identified within the project area due to a lack of water and trees. Wildlife in general would be disturbed and temporarily displaced during the life of the project. Impacts would be considered low.

Disturbance of vegetation will occur over the 53 acres. Prescribed reclamation activities and monitoring would return the area to successful post-mining conditions.

The proposed expanded quarry would be visible to west-bound travelers on Interstate 80 for a few minutes during the active mining phase of the project. Reclamation would eventually re-vegetate the mined area. There would be a color contrast between the bare earth or new vegetation and adjacent mature vegetation. Impacts are considered low to moderate until vegetation is established.

The action would have a positive economic affect on Humboldt County.

2) The degree to which the proposed action affects public health or safety.

Implementation of components of the proposed action will not result in potentially substantial or adverse impacts to public health and safety. Workplace hazard risks assessments would be completed by the workforce supervisor prior to on-the-ground activities. MSHA regulations and inspections would regulate any work related issues to employees, and BLM special stipulations would address any safety issues relating to the project.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The project area does not contain any know historic or cultural resources, park lands, prime farmlands, or wetlands.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The proposed action in itself is not likely to be highly controversial so long as environmental protection and mitigating measures defined in the EA and DR are applied.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

There are no known effects of the proposed action identified in the EA which are considered highly uncertain or involve unique or unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

The proposed action does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The environmental assessment has considered if the action related to other actions would result in significant cumulative impacts. No significant cumulative impacts were identified in the EA related to past and present actions in the Cumulative Effects Study Area.

Reasonably future foreseeable actions (RFFAs) are not likely to have potential cumulatively significant impacts.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

No districts, sites, highways, structures or objects listed in or eligible for listing in the National

Register of Historic Places (NRHP) were identified in the project area and EA. The proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.* The action would not adversely affect an endangered or threatened species or its habitat.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The action conforms with Federal, State, or local laws to the maximum extent possible. Based on the environmental analysis, the proposed action will not result in any undue or unnecessary environmental degradation of public lands. The proposal is consistent with requirements imposed for the protection of the environment.

Dave Hays, Assistant Field Manager
Nonrenewable Resources

Date

Attachment:

EA# NV-020-06-EA-22